

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

G4 CONCEPT MARKETING, INC., et al.,

Plaintiff,

ORDER

08-CV-6457L

v.

MASTERCARD INTERNATIONAL,
(a/k/a MasterCard Incorporated)


Defendant.

Plaintiff, through its agent, attorney Robert Calihan of Nixon Peabody, has requested an extension within which to respond to defendant's motion to dismiss. By letter, defendant opposes the request.

Although, plaintiff could, and should, have acted in a more timely manner, I see little prejudice to defendant. No prejudice is advanced by defendant; the arguments made in opposition are essentially merits-related. The case is of relatively recent origin and plaintiff is proceeding, at this time, *pro se*.

I, therefore, grant plaintiff's request, in part. Plaintiff's time within which to respond to the pending motion to dismiss is extended to April 24, 2009. If the Nixon Peabody firm intends to represent plaintiff it should enter a notice of appearance as soon as possible.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 1, 2009.